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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

AMERICAN DIGITAL SYSTEMS d/b/a ADVANCED COPY & PHOTO, Plaintiff, vs. BRYAN NELSON, DOES 1-5, DefendantS.	**COMPLAINT** Civil No. 2:17-cv-00293-RJS Judge Robert J. Shelby

Plaintiff complains and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. American Digital Systems d/b/a Advanced Copy & Photo (ADS) is a Utah corporation in good standing with its principal place of business in Salt Lake County, Utah.

2. Bryan Nelson (Nelson) is an individual residing in Salt Lake County, Utah.

3. Does 1 through 55 are individuals or entities whose identities are presently unknown. Anderson will move to amend the Complaint as the Does' identities become known.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and 17 U.S.C. §§501 *et seq.*

5. Venue is proper in this Court under 28 U.S.C. § 1391(b).

FIRST CLAIM FOR RELIEF
Copyright Infringement - Damages

6. All preceding and following allegations are incorporated here by reference.

7. ADS is a commercial photography studio.

8. ADS, through an employee staff photographer taking photographs as works for hire for ADS, took a series of wedding-related photographs.

9. One of the photographs depicts a bride-to-be, seated and dressed in her wedding gown, kissing her father on the cheek (the Infringed Work).

10. ADS owns the copyright to the Infringed Work.

11. ADS has registered the Infringed Work for copyright with the United States Copyright Office. The copyright request tracking number is 1-2969497301.

12. ADS has complied with 17 U.S.C. §§ 101 *et seq*. respecting the Infringed Work.

13. On March 4, 2015 Nelson registered kingstonclan.com as an internet domain name, created the www.kingstonclan.com website (the Offending Website) and became its owner.

14. On information and belief, Does 1 through 5 are also involved in creating and maintaining the Offending Website, as co-owners, contributors, partners, agents, or co-conspirators of Nelson.

15. Sometime during November of 2015, one or more of Defendants caused the Infringed Work to be published on the Offending Website.

16. At an unknown date, one or more of Defendants temporarily removed the Infringing Work from the Offending Website, only to publish the Infringed Work on the Offending Website once again beginning in or about March of 2016.

17. Defendants did not seek or obtain the consent of ADS to publish the Infringed Work.

18. Defendants' use of the Infringed Work violated ADS's rights as owner of the Infringed Work.

19. ADS is entitled to an award of damages against Defendants under 17 U.S.C. §504.

20. Defendants acted wilfully, with actual malice, and in conscious and reckless disregard of the rights of ADS. ADS requests statutory damages of $100,000.00 or such other sum as the court considers just, or alternately for ADS's actual damages and any additional profits of Defendants.

21. ADS requests that the court allow ADS to recover its full costs against Defendants including a reasonable attorney fee pursuant to 11 U.S.C. §505.

SECOND CLAIM FOR RELIEF
Copyright Infringement - Injunctive Relief

22. All preceding and following allegations are incorporated here by reference.

23. In addition to the Infringed Work, Defendants willfully, and in conscious disregard of the rights of ADS, published other unpublished, unregistered copyrighted works of ADS on the Offending Website.

24. Defendants' conduct has caused irreparable injury to ADS in an amount not capable of determination, and, unless restrained, will cause further irreparable injury, leaving ADS with no adequate remedy at law.

25. ADS is entitled to an Order pursuant to 17 U.S.C. §502, permanently enjoining Defendants, their agents, servants, employees and attorneys, and other persons who are in active concert or participation with them, from publishing any works created by ADS, or otherwise infringing on ADS's copyrights or other legal rights in any manner, without ADS's express prior written consent.

PRAYER FOR RELIEF

American Digital Systems d/b/a Advanced Copy & Photo prays for a Judgment in its favor and against Defendants as follows:

1. An award of statutory damages pursuant to 17 U.S.C. §504 of $100,000.00 or such other sum as the court considers just, or alternately for ADS's actual damages and any additional profits of Defendants.

2. An award of ADS's full costs including a reasonable attorney fee pursuant to 11 U.S.C. §505.

3. An Order pursuant to 17 U.S.C. §502, permanently enjoining Defendants, their agents, servants, employees and attorneys, and other persons who are in active concert or participation with them, from publishing any works created by ADS, or otherwise infringing on ADS's copyrights or other legal rights in any manner, without ADS's express prior written consent.

4. Such other and further relief as the Court deems equitable and just.

DATED April 14, 2017.

/S/

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